



Flathead Conservation District  
133 Interstate Lane, Kalispell, MT 59901  
www.flatheadcd.org 406-752-4220

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### **CALL TO ORDER & ATTENDANCE**

Chair Ronald Buentemeier called the January 8, 2018, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

### **Board members present:**

Ronald Buentemeier, Chair; Pete Woll, Vice-Chair; Dean Sirucek, Secretary/Treasurer; Lori Curtis, Supervisor; John Ellis, Supervisor; Mark Siderius, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Also in attendance were: Valerie Kurth and Ginger Kauffman, Flathead CD (FCD) staff; Leo Rosenthal and Kenny Breidinger, Montana Fish Wildlife & Parks (MFWP); Nathan Lucke, Territorial Landworks; Heidi Shepherd; BJ. Arentz; Don Brummel; Teri Beatty.

### **ELECTION OF BOARD OFFICERS**

Chair – Verdell Jackson made a motion “to appoint Ronald Buentemeier as Chair.” Lori Curtis seconded. Motion carried unanimously.

Vice-Chair – Lori Curtis made a motion “to appoint Pete Woll as Vice-Chair.” Verdell Jackson seconded. Motion carried unanimously.

Secretary/Treasurer – Pete Woll made a motion “to appoint Dean Sirucek as Secretary/Treasurer.” Lori Curtis seconded. Motion carried unanimously.

### **MINUTES**

Dean Sirucek made a motion “to approve the minutes of the 12/11/2017, 310-Stream Permit meeting as presented.” Verdell Jackson seconded. Motion carried unanimously.

### **CORRESPONDENCE**

1. Email: Soil Health Workshops,  
January 16 **Three Forks** at The Gathering Place  
January 17 **Great Falls** at the Holiday Inn  
January 18 **Billings** at the Big Horn Resort  
January 19 **Miles City** at the Sleep Inn  
January 19 **Sidney** at the Richland County Fairgrounds Event Center  
Contact Ann 406-443-5711 [www.swcdm.org/soil-health](http://www.swcdm.org/soil-health)
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2. Email: MACD October & November Reports, Bylaws and resolution approved at convention. <http://macdnet.org> or contact Elena Evans, MACD [eevans@macdnet.org](mailto:eevans@macdnet.org)
  3. Email: 2018 Western Montana Grazing & Agriculture Conference, January 25-26, DoubleTree, Missoula. Contact Lake County Conservation District 406-676-2841 Ext. 102. [Lakecountycd@ronan.net](mailto:Lakecountycd@ronan.net)
  4. Email: Flathead Lakers winter newsletter *River 2 Lake News* <https://flatheadlakers.org>
  5. Email: Montana Watershed Coordination Council December 14, 2017 issue of *Watershed News* <http://mtwatersheds.org/app>
  6. Email: Whitefish Planning Board meeting, December 21, 2017, Whitefish City Council Chambers. <http://www.cityofwhitefish.org/boards-and-committees.php>
  7. Email: NACD *Conservation Clip List* <http://www.nacdnet.org>
  8. 2018 Range Forum, May 9-10, 2018, Big Horn Resort, Billings, MT. Contact Stacey Barta, DNRC, 406-444-6619 <http://dnrc.mt.gov/divisions/cardd/conservation-districts/rangeland-resource-program>
  9. National Association of Conservation Districts (NACD) *Forestry Notes* [www.forestrynotes.com](http://www.forestrynotes.com), NACD *eResource* [nacdnet.org](http://www.nacdnet.org), NACD *Conservation Clip List* <http://www.nacdnet.org/news-and-events/publications/conservation-clip-list> and notice of 2018 Annual Meeting, January 27-31, Nashville [www.nacdnet.org](http://www.nacdnet.org)
  10. Email: Montana Watershed Coordination Council meeting, January 12, Helena. Contact Carrie Hess, Petroleum CD 406-429-6646 Ext 104.
  11. Email: *Growing Greener Communities* workshop, March 15-16, Yogo Inn, Lewistown. Contact Forester Josh Stoychoff [JStoychoff@MT.gov](mailto:JStoychoff@MT.gov) 406-538-7789 by February 15. The Montana DNRC's Urban and Community Forestry Program invites you to learn more about urban forestry programs, types of assistance offered and how to improve the urban forest in your own community.
  12. Email: 2018 Western Montana Grazing & Ag Conference, January 25-26, Double Tree Edgewater Hotel, Missoula. Cost \$50. Contact Heidi Fleury, Lake County Conservation District 676-2841 ext. 102 [Lakecountycd@ronan.net](mailto:Lakecountycd@ronan.net)
  13. Email: December 21, 2017 issue of *The Montana Conservationist* <http://swcdm.org>
  14. Email: Flathead Audubon newsletter *Pileated Post* <https://www.flatheadaudubon.org>
  15. Email: Whitefish Planning Board meeting, Thursday, January 18, 2018, 6:00 P.M., Whitefish City Council Chambers <http://www.cityofwhitefish.org>
  16. Email: Lewis & Clark CD newsletter *The Explorer* <http://lccd.mt.nacdnet.org>
  17. Email: Soil Health Workshops, January 16 – 19. Contact Ann McCauley, [ann@swcdm.org](mailto:ann@swcdm.org), (406) 443-5711
  18. Email: Montana Range Days, June 18-20, Red Lodge, MT. Contact Carbon Conservation District <https://www.carbonconservationdistrict.com>
  19. Email: Montana Watershed Coordination Council newsletter *Watershed News* <http://mtwatersheds.org/app/>
  20. Email: Montana Association of Conservation Districts (MACD)  
\* college scholarship applications link <http://macdnet.org/2018-macd-scholarships/>
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20. \* MACD & SWCDM December 2017 reports  
Email: DNRC Notes
- \* Ray Beck officially retired December 31
  - \* The election process for supervisor positions opens January 11. Declaration of Candidacy forms (from county election department) are due to the county election office between January 11 and March 12.
  - \* Beginning January 1, the mileage reimbursement rate changes to 54.5 cents per mile.
  - \* Water project related funding coming soon from Sweet Grass Conservation District. Funding will be available for conservation district's on-the-ground water projects.
  - \* 2018 Range Forum- May 9 & 10, Big Horn Resort Billings details coming in February
  - \* Montana Youth Range Camp- July 9-12, Bloomfield MT.
  - \* Coming this summer- Riparian Grazing workshops.
  - \* The next deadline for 223 Grant Program, district development program, and mini grant program is January 16.
  - \* Under an agreement with NRCS and DNRC, funding is available –
    - For soil health work from the McCone Conservation District. Conservation districts that want to carry out soil health work, funding can be used for technical assistance, soil testing, demonstration projects, and educational purposes.
    - For range related activities from Judith Basin Conservation district. Funds may be used for technical assistance, demonstration projects, educational workshops, monitoring activities, drought management –anything range related.
- To apply submit your project proposal and a budget to the conservation district.

### **FINANCIAL**

There was no December business meeting, however, the following bills were due and paid:

1. Montana Natural Resources Youth Camp \$4500.00
2. CenturyLink \$265.92
3. Daily Interlake \$494.51
4. VISA \$4302.47

The following bills were reviewed

1. Anders Business Solutions \$4,278.00
2. Byte Savvy \$45.00
3. Flathead Beacon \$264.0
4. Mountain States Leasing – Kalispell \$1545.56
5. MontanaSky Networks \$20.00
6. Susan Hulslander, CPA \$2482.00

Mark Siderius made a motion “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.

### **PUBLIC COMMENT PERIOD**

No one was present to comment on items not listed on the agenda.

### **310**

**Beatty**, FL2017035, Flathead River, bank stabilization/irrigation/dock: Dean Sirucek reported the application is for a dock. A revised dock design was submitted on 12/11/2017, and it shows a T dock design: the main dock section is 16' wide x 30' long, and each wing coming off the main section is 4' wide x 20' long, totaling 56' in length. The dock length and width do not conform to the district's Adopted Rules, which allow docks to be 20' long and 6' wide. Dean asked the applicants if they wanted the project presented as is or submit a modified design. The applicants replied they wanted to present as is.

Kenny Breidinger stated the information submitted 12/11/2017 is not sufficient to make a decision. Additional information is needed re: materials used, anchoring systems, work done on the stream bank and how the dock will be accessed from shore. The proposed dock does not comply with FCD Adopted Rules. He recommend the board table the application and have the applicant return with further information and modifications to fit the Adopted Rules.

Pete Woll asked about the road location and the depth of water during normal high water at the end of the 30 feet. The applicant responded that from the road to the water line is 17', and the depth at the end of the 30 feet is about 5' at full pool. Because the bank is very steep and there is not enough space for chairs, they were hoping for a wider dock to serve as a congregation area while minimizing disturbance to the bank. Supervisors noted the size specifications for docks in the current Adopted Rules were put in place to prevent living space.

Discussion held regarding size and shape of the proposed dock, lack of information presented, and the dock specifications described in the Adopted Rules. Mark Siderius noted the board cannot modify or design for the applicant - the board can only vote on what is proposed or table it pending additional information from the applicant. The applicants stated they will come back with additional information and a revised design.

Dean Sirucek made a motion "to table the application pending further information from the applicant." John Ellis seconded. Motion carried unanimously.

**Boyd**, FL2017053C, Nine Mile Creek, complaint: Ronald Buentemeier reported this is one of two complaints filed against landowners on Nine Mile Creek (the other is Pheifer Trust). The on-site inspection was cancelled due to snow and to allow time to review ownership of the site. One of the landowners, Boyd, responded to the complaint with a description of meeting the complainant on site. They pulled some of the debris out, but did not remove it all. When Boyd returned to the site, it had all been cleaned up. Ronald stated he had attempted to contact the complainant but has not heard from them yet. FCD staff went to the county plat room to investigate ownership of the piece of ground in question. County records show the area, which is on both sides of stream, is owned by Flathead County. Kenny Breidinger stated work in that area would then come under the 124-process. Ronald

stated he wants an answer from the complainant as to if there is still a complaint or not since debris has been pulled out of the stream.

Ronald Buentemeier made a motion “to table awaiting further information from the complainant.” Verdell Jackson seconded. Motion carried unanimously.

**Brummell**, FL2017040C, Whitefish River, complaint: Verdell Jackson reported the complaint was made by a person floating the stream who saw uprooted trees and irregular places in the bank. Verdell showed photos of the stream and stated that the river has washed trees and materials into the area. The bank is irregular, but there was no evidence that trees or brush were intentionally pulled out, and no activity in terms of the complaint. This is not a violation as defined by district rules.

Kenny Breidinger noted there was some accumulation of trees downstream, which may have floated down during high water. They could not see a pasture or slash piles, which are far from the stream, and did not see a violation.

Verdell Jackson made a motion “to send a letter to the complainant this is not a violation.” Mark Siderius seconded. Motion carried unanimously.

Staff noted it is standard procedure to send a letter to the landowner with a copy to the complainant.

**Heine**, FL2017064, Unnamed, debris removal/pond: Dean Sirucek reported that after reviewing the proposed project at the site, he determined the pond is an old stream channel and is about ½ mile away from Ashley Creek. There is no perennial connection and no perennial flow.

Dean Sirucek made a motion “this is not a project under our jurisdiction because it is not connected to a perennial stream system.” Verdell Jackson seconded. Motion carried unanimously.

**Peura**, FL2017054C, Whale Creek, complaint: Ronald Buentemeier reported the on-site inspection was cancelled due to snow and as the landowner will not return until spring.

Ronald Buentemeier made a motion “to table.” John Ellis seconded. Motion carried unanimously.

**Pheifer Trust**, FL2017057C, Nine Mile Creek, complaint: Ronald Buentemeier made a motion “to table until we get an answer from the complainant.” Verdell Jackson seconded. Motion carried unanimously. *See **Boyd**, FL2017053C, Nine Mile Creek, complaint listed above.*

**Smith**, FL2017062, Flathead River, road construction: Mark Siderius reported that the on-site inspection was cancelled as the landowners will not return until spring.

Mark Siderius made a motion “to table until April.” John Ellis seconded. Motion carried unanimously.

**Staloway**, FL2016050, Bear Creek, litigation: Valerie Kurth reported that an *Order on Unopposed Motion to Bifurcate and Scheduling Order* has been filed in district court. Mark Siderius asked who will make the final decision, and Valerie explained that the judge will. Dean Sirucek asked if it was done through paperwork or a hearing, and Valerie explained that no hearing will be held unless requested by the attorneys.

**Tait**, FL2017063, Lazy Creek, dredging/fill: John Ellis reported the application is to remove accumulated sediment from the mouth of Lazy Bay Channel and re-establish channel connection to Whitefish Lake. A floating platform with a barge pump will be used to dredge sediment and pump it to a retention pond on the adjacent island. Nathan Lucke, from Territorial Landworks, stated this channel was originally constructed in the 1970's. The area at the mouth fills with sediment from nearby Swift Creek. This will be the third time the area has been dredged since the early 1990s. Nathan explained the excavation process, and noted they will have to meet DEQ regulations for turbidity. He showed video and photos of the project area and stated the landowners are concerned with doing the project right. Nathan explained they have not found a company in Montana that can do the project, so they will contract with a national company, Dredge America.it. Lori Curtis noted that Dredge America will have to be checked for aquatic invasive species (AIS) in accordance with the State of Montana rules. Nathan stated that the project goal is to deepen the area to approximately 3-4 feet, and the last time this excavation was done approximately 3,000 yards of sediment was removed. There will be no disturbance to the shore, only the pipe required to transfer the sediment. The sediment retention area will be created by peeling back about 1 foot of topsoil across 2 acres. The topsoil and vegetation will be restored after the excavation is complete. Lori Curtis asked if they would be using a silt curtain, and stated if not Whitefish Lake Institute could loan one. The need for additional permits was also discussed. John Ellis reviewed considerations and modifications listed in the Team Member Report.

John Ellis made a motion "to approve the application with modifications listed in the Team Member Report." Mark Siderius seconded. Motion carried unanimously.

**Walters**, FL2017025, Flathead River, arbitration: Valerie Kurth reported the hearing was held 12/14/17. The attorneys for each party will submit their proposed Findings of Fact & Conclusions of Law, which are due 1/16/18.

## **NEW BUSINESS**

**Outreach (DEQ) Letter:** Valerie Kurth reported that the Department of Environmental Quality (DEQ) forwarded a complaint to the office regarding work along Stillwater River. DEQ's Investigation Report states that steel drums had been placed along the stream before the current landowner purchased the property; however, the current landowner placed steel posts in the ground to prevent the drums from washing away. DEQ found this was not a violation under their rules. No formal 310-application or complaint has been filed with the district. Over the years, FCD has received many letters from DEQ similar to this report. Staff saw this as an opportunity to provide outreach to streamside landowners via a letter and provided draft copies to the board. Supervisors thought it would be a good idea.

Ronald Buentemeier stated he would like to review the letter further as this is in his area. This will be on the business meeting agenda.

**Landowner Brochure:** Valerie Kurth reported that the Landowner Program brochure, which includes information on the cost-share program, seedling program, native grass seed and on-the-ground projects, is ready for printing. Flathead Beacon printing cost is \$179.68 for 1000 brochures.

Lori Cutis made a motion "to approve the printing of 1000 brochures in the amount of \$179.68 + shipping." John Ellis seconded. Motion carried unanimously.

**Western Montana Ag Conference:** Valerie Kurth reported that a copy of the Western Montana Ag Conference agenda had been included in supervisor meeting packets. Flathead CD had donated \$500, which includes registration and a table for outreach material. Valerie stated she would be happy to attend the conference in Missoula to run the table, and asked if any of the supervisors were interested in attending. John Ellis asked about costs. Valerie stated the registration fee and meals are paid for, and the only cost would be the hotel room. Ginger Kauffman noted staff expenses are under the budgeted amount.

Dean Sirucek made a motion "to approve Valerie Kurth attending the Western Montana Ag Conference paid by the district as required." Mark Siderius seconded. Motion carried unanimously.

**End of Year Invoice Payments, Transfers:** Pete Woll reported that he and Dean Sirucek came into the office the last week of December to sign checks for invoices/bills and fund transfers. Invoices had to be paid even though no December business meeting was held. The district does not have an official policy authorizing signers in those situations, and Pete thought the board should have a discussion in the interest of transparency. Mark Siderius stated that in the past phone polls have been done. Ginger Kauffman noted that the check detail provided at tonight's meeting included those checks and transfers. Pete wondered if signers should document why the checks needed to be signed, and then approved by board at the next meeting.

John Ellis made a motion "that in any month in which there is not a meeting or lack of quorum, the authorized signers shall have authority to pay any outstanding bills for that



month; and those bills and transfer of funds will be presented at the next meeting for approval.” Mark Siderius seconded. Motion carried unanimously.

**Signature Authorizations, District Credit Card Re-Allocation:** No action as the officers remain the same.

**November End of Month Budget Report:** Ginger Kauffman reviewed the November 2017 End of Month Budget report with the board.

Pete Woll made motion “to approve the November 2017 End of Month Budget report.” John Ellis seconded. Motion carried unanimously.

**MATTERS OF THE BOARD/STAFF**

- Area V Supervisor Training. Valerie Kurth asked if supervisors would be interested in an Area V Supervisors Training, and, if so, what subjects interest them and what dates they prefer.
- Limited Solicitation for Trumbull Creek - deadline 1/16. Valerie Kurth asked for volunteers to review the solicitations before the 1/22 business meeting. Mark Siderius and Ronald Buentemeier will meet with Valerie on 1/19.

The next business meeting is scheduled for Monday, January 22, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis made a motion “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:20 P.M.

Submitted By: Ginger Kauffman, Administrator

Minutes approved by FCD Board motion made on:

<u>1/22/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)